

## REMARKS

Claims 1, 3-5, 8-9, 24, 26-27, 30, and 44-51 are pending in the application. Claims 1, 24, and 44 are currently amended. Claim 51 is currently added.

Claims 1, 3-5, 8-9, 24, 26-27, 30, and 44-50 stand rejected under 35 USC § 103(a) as being unpatentable over Applicant admission of prior art ("Applicant admission") in view of Vincent, US Publication 2002/0165815 ("Vincent"), further in view of Barr, US 6,389,470 ("Barr"), further in view of Parker, US 4,958,368 ("Parker"), further in view of Rousseau, US Publication 2003/0040997 ("Rousseau").

The claim rejections and the new claim are discussed below. The examiner is respectfully urged to reconsider the application and withdraw the objection and the rejections in view of the above amendment and the following remarks. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call applicants' undersigned attorney, Michael D. Stein, at **206-332-1384**.

### Explanation of Current Amendments

Applicants note that the current amendments to claims 1, 24, and 44 are to correct errors which are typographical in nature. Applicants submit that the amendments do not bear on the substance of the claims.

### Rejections under 35 USC § 103(a)

Claims 1, 3-5, 8-9, 24, 26-27, 30, and 44-50 stand rejected under 35 USC § 103(a) as being unpatentable over Applicant admission in view of Vincent, further in view of Barr, further in view of Parker, further in view of Rousseau.

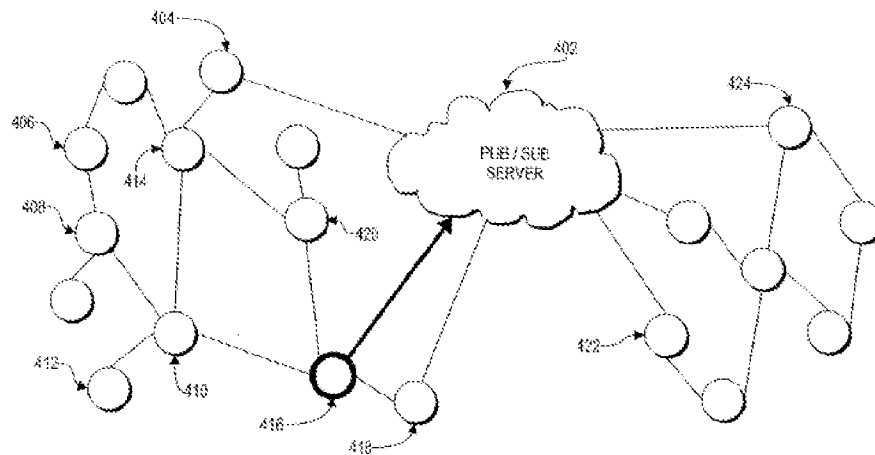
**Claim 1** is patentably defined over the cited art for at least two reasons: (1) the cited portion of Parker does not disclose receiving transaction instructions from a customer and executing that transaction while the host system is unavailable, and (2) the cited portion of Vincent does not disclose the middleware tier's redundant capabilities.

First, the cited portion of Parker fails to disclose the recited steps of “*receiving transaction instructions from said customer* relating to said electronic account” and “*utilizing said electronic account, executing said transaction instructions.*” (Claim 1, emphasis added.) Parker creates a Customer Information Record when the assignment of a valid cellular telephone number is assigned to a customer. (Col. 7, ll. 54-59 (the term “MID” in Parker refers to a cellular telephone number; see col. 6, ll. 40-42).) If the billing system in Parker is not available, Parker teaches that the record is placed “in a pending file for insertion [into the billing system] at the next available time.” (Col. 7, ll. 59-61.) Thus, Parker teaches the temporary storing of a customer’s name associated with the customer’s new cellular telephone number for later insertion into a permanent billing system. However, Parker does not teach the receiving of *transactional instructions* from a customer and then later *executing those instructions*, as recited by claim 1.

Second, the redundant capabilities of the recited middleware tier are not disclosed by the cited portions of Vincent. Vincent teaches that files can be published to a network service node for access and download by multiple clients. (Para. 0007.) In order to ensure the ability of client-to-client transfers via the network service node, Vincent teaches that “the service node must...have redundant systems to prevent system shutdowns and data loss.” (Para. 0008.) Vincent, referring to Figure 7 (depicted below for convenience), further describes the service node:

the server node 402 can be implemented by a single server or by a “server cloud” that is made up of any number of servers. The individual servers of such a server cloud can be connected to one another and to the Internet in various ways and can even be separated by great distances so as to provide an appropriate level of service and advantageous features such as *data and path redundancy*.

(Para. 0054, emphasis added.)



Vincent, Figure 7

Based on this description, the redundant system taught by Vincent backs up data to ensure that data is not lost (data redundancy), and it provides multiple connection paths to ensure that connectivity between network clients is not lost (path redundancy). However, Vincent fails to disclose a redundant system that allows *real-time transactions* to take place while a primary system is unavailable. Thus, Vincent fails to disclose the redundancy features of the middleware tier recited in claim 1.

For at least the reasons stated above, applicants submit that claim 1 is patentably defined over the cited art. Applicants respectfully request withdrawal of the rejection of claim 1.

**Claims 3-5 and 8-10** depend, directly or indirectly, from claim 1. For at least the reasons stated above regarding claim 1, applicants submit that claims 3-5 and 8-10 are patentably defined over the cited art. Applicants respectfully request withdrawal of the rejection of claims 3-5 and 8-10.

**Independent claims 24 and 44** stand rejected for substantially the same reasons as the rejection of claim 1. (See Official Action of 7/28/2008, page 7.) For at least the reasons stated above regarding claim 1, applicants submit that claims 24 and 44 are patentably defined over the cited art. Applicants respectfully request withdrawal of the rejection of claims 24 and 44.

**Claims 26-27 and 30** depend, directly or indirectly, from claim 24. **Claims 45-50** depend, directly or indirectly, from claim 44. For at least the reasons stated above regarding

claims 24 and 44, applicants submit that claims 26-27, 30, and 45-50 are patentably defined over the cited art. Applicants respectfully request withdrawal of the rejection of claims 26-27, 30, and 45-50.

#### New Claim 51

Claim 51 has been added to the present application. Without conceding the propriety of any rejection, applicants submit that claim 51 is patentably defined over the prior art. In addition to the reasons discussed regarding claim 1, claim 51 is further patentably defined over the cited art because the cited art does not disclose a middleware tier which is “operatively coupled between said web server and said host processing system such that said middleware tier manages customer requests, interacts with said host processing system, and responds to said web server.” The specification gives examples the abilities of such a middleware tier, regardless of the host system’s availability: the middleware tier can (1) request additional information from the web servers or clarifying conflicting information from the web servers, (2) acknowledge the successful creation of accounts, and (3) monitor activity from the web servers and to the host system in order to manage the workflow. (Specification, para. 0019.) Applicants submit that new claim 51 is patentably defined over the cited art.

#### Conclusion

Applicants believe that the present remarks are responsive to each of the points raised by the examiner in the official action, and submit that claims 1, 3-5, 8-9, 24, 26-27, 30, and 44-51 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner’s earliest convenience is earnestly solicited.

**DOCKET NO.:** USAA-0088/US-0016.01  
**Application No.:** 10/725,168  
**Office Action Dated:** July 28, 2008

**PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116**

Respectfully submitted,

Date: October 28, 2008

/Jon M. Isaacson/  
Jon M. Isaacson  
Registration No. 60,436

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439